

01- R -1260

Entered - 07/10/01 - sb  
CL01L0441 - DIANNE C. MITCHELL

CLAIM OF: **KEVIN CLARK, as guardian of  
KANNON MCKINNEY,  
through their attorney,  
Shean D. Williams  
127 Peachtree Street, NE  
Atlanta, Georgia 30303**

For damages alleged to have been sustained as a result of a vehicular  
accident on February 28, 2001 at Martin Luther King, Jr. Drive and  
Bolton Road.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*  
**ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY**

ADVERSED BY  
CITY COUNCIL SEP 04 2001

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: **SEP 04 2001**

CHAIR: *C. T. Martin*

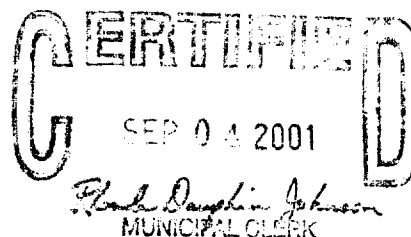
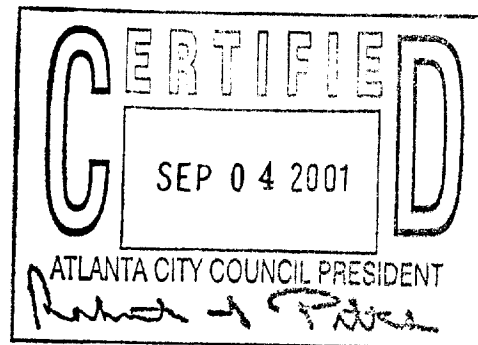
*[Signature]*

*[Signature]*





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

September 12, 2001

Shean D. Williams  
Attorney at Law  
127 Peachtree St., NE  
Atlanta, Ga 30303

01-R-1260

RE: Kevin Clark, as guardian of Kannon  
McKinney

Dear Attorney Williams

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on September 04, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0441

Date: July 24, 2001

Claimant /Victim KEVIN CLARK, as guardian of KANNON MCKINNEY  
BY: (Atty) Shean D. Williams  
Address: 127 Peachtree Street, NE, Atlanta, Georgia 30303  
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated  
Date of Notice: 07/05/01 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 02/28/01 Place: Martin Luther King, Jr. Drive and Bolton Road  
Department Police Division:         
Employee involved Darnus Strozier Disciplinary Action: No Action Taken

**NATURE OF CLAIM:** The driver of the City vehicle was responding to an emergency call with blue lights and siren in operation when the claimant, Kannon McKinney, darted out from the side of the road into the path of the City vehicle. An investigation by the Atlanta Police Department determined that the claimant, Kannon McKinney, was at fault for not crossing at the crosswalk. The claimant was cited for same.

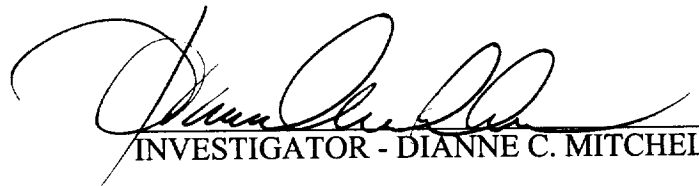
### INVESTIGATION:

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police X Dept Report X Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial         
Improper Notice        More than Six Months        Other X Damages reasonable         
City not involved        Offer rejected        Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent X City Negligent        Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$        Adverse X Account charged: 1A01        2J01        2H01         
Claims Manager:        Concur/date 07-24-01  
Committee Action:        Council Action

**COCHRAN CHERRY GIVENS, SMITH & SISTRUNK, P.C.**

ATLANTA, GEORGIA

127 PEACHTREE STREET, NE  
ATLANTA, GEORGIA 30303  
(404) 222-9922 • FAX: (404) 222-0170

July 2, 2001

ENTERED - 7-10-01 -SB

01L0441 - DIANNE MITCHELL

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Honorable Mayor Bill Campbell  
55 Trinity, SW  
Suite 2900  
Atlanta, Georgia 30335

Chief Beverly Harward  
Atlanta Police Department  
675 Ponce de Leon Avenue  
Atlanta, Georgia 30328

Able Mable Thomas, Chairperson of City Council  
55 Trinity, SW  
Suite 2900  
Atlanta, Georgia 30335

Susan Peas Langford  
City Attorney  
68 Mitchell Street, SW  
Suite 4100  
Atlanta, Georgia 30335

**RE: Notice of Injury and Claim against the City of Atlanta, Georgia**

Dear Ladies and Gentleman:

Pursuant to O.C.G.A. § 36-33-5(b) and 36-1-1, this notice is to advise you that we have been retained by Kevin Clark, the guardian of Kannon McKinney, regarding injuries he suffered as a result of an automobile accident. Kevin Clark on behalf of Kannon McKinney intends to file a lawsuit against the City of Atlanta, its police department and Officer Darnus Strozier regarding the accident on February 28, 2001.

On the afternoon of February 28, 2001, Kannon McKinney along with a friend was crossing over Martin Luther King Drive in route home after departing their school bus. At that time, Officer Strozier was traveling in his vehicle westbound on Martin Luther King Drive when he violently struck Kannon McKinney. Officer Strozier's behavior constitutes a conscious disregard for the safety of others during the course of his duties as an officer. The City of Atlanta and its police department are vicariously liable for the consequences of Officer Riley's reckless behavior.

Please allow this letter to serve as notice of the above-referenced claim and demand for compensation for the injuries, pain and suffering, and all special damages incurred by Kannon McKinney as result of this matter.

If you have any questions, please do not hesitate to contact me.

Yours very truly,

Shean D. Williams, Esq.

JOHNNIE L. COCHRAN, JR.<sup>1</sup>  
PHILIP M. DAMASHEK<sup>2</sup>  
HARVEY WEITZ<sup>3</sup>  
ARNOLD L. KLEINICK<sup>2</sup>  
IVAN S. SCHNEIDER<sup>2</sup>  
SAMUEL A. CHERRY, JR.<sup>3</sup>  
J. KEITH GIVENS<sup>4</sup>  
JOCK M. SMITH<sup>2</sup>  
BRIAN J. SHUJI<sup>1</sup>  
CHRISTOPHER E. PETERS<sup>2</sup>  
HEZEKIAH SISTRUNK, JR.<sup>2</sup>  
KEVIN HAWKINS<sup>2</sup>  
ROBERT B. JACKSON<sup>2</sup>  
FRANK M. WILSON<sup>2</sup>  
GREGORY J. CANNATA<sup>2</sup>  
ERIC G. FERRER<sup>2</sup>  
RANDY H. MCMURRAY<sup>11</sup>  
RICHARD B. ANCOWITZ<sup>2</sup>  
MARK L. REDDITT<sup>2</sup>  
JANE LAMBERTI SAMS<sup>2</sup>  
LESLIE D. KELMACHTER<sup>2</sup>  
JOSEPH D. LANE<sup>2</sup>  
LOUIS J. MITCHELL<sup>2</sup>  
CHARLES S. WILLOUGHBY<sup>2</sup>  
CLIFFORD J. STERN<sup>2</sup>  
J. FARREST TAYLOR<sup>2</sup>  
CHARLES J. NOLET<sup>2</sup>  
KEITH A. KLEINICK<sup>2</sup>  
LOYD M. ROBERTS<sup>2</sup>  
STEVEN GOLD, M.D.<sup>2</sup>  
LARRY GIVENS<sup>2</sup>  
W. LEE GRESHAM, III<sup>2</sup>  
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DAWN S. DEWOLF<sup>2</sup>  
JAY D. WILLIAMS, JR., M.D.<sup>2</sup>  
ERIN K. HURLEY<sup>2</sup>  
CAMERON A. STEWART<sup>11</sup>  
DREK SELLS<sup>2</sup>  
K. PAUL CARINO, JR.<sup>2</sup>  
DAVID W. DRUKEK<sup>2</sup>  
CARL E. UNDERWOOD, III<sup>2</sup>  
JUDY A. KEENAN<sup>2</sup>  
S. MARK ANDREWS<sup>2</sup>  
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JONATHAN S. DAMASHEK<sup>2</sup>  
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DIANE WELCH BANDO<sup>2</sup>  
DONALD D. CASALE<sup>2</sup>  
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JOHN KIERAN DALY<sup>2</sup>  
BRIAN T. DUNN<sup>11</sup>  
THOMAS V. DEFFINA<sup>2</sup>  
HARRIETT J.D. SHERIDAN<sup>18</sup>  
JAMES M. LANE<sup>2</sup>  
CATHLEEN GIOVANNINI<sup>12</sup>

<sup>1</sup>Member of California, New York  
& Washington, D.C. Bar  
<sup>2</sup>Member New York Bar  
<sup>3</sup>Member Alabama Bar  
<sup>4</sup>Member Alabama, Florida  
& Georgia Bar  
<sup>5</sup>Member Georgia & Alabama Bar  
<sup>6</sup>Member Alabama & Florida Bar  
<sup>7</sup>Member Georgia Bar  
<sup>8</sup>Member Alabama & Virginia Bar  
<sup>9</sup>Member California, Hawaii  
& New York Bar  
<sup>10</sup>Member New York &  
New Jersey Bar  
<sup>11</sup>Member California Bar  
<sup>12</sup>Member California Bar

4929 WILSHIRE BOULEVARD, SUITE 1010  
LOS ANGELES, CALIFORNIA 90010

WOOLWORTH BUILDING • 223 BROADWAY  
NEW YORK, NY 10279-0003



RCS# 3092  
9/04/01  
3:36 PM

Atlanta City Council

Regular Session

MULTIPLE                      Public Safety Consent Agenda except #15

1260

ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE